REMARKS

In the Final Office Action mailed November 5, 2003 in the application

Serial No. 09/907,076, which is in the claim of priority of this application,

Examiner rejected claims 1, 13, 39, 44, 56, 62, 63, 75, 82-84, 86, 88, and 99

under 35 U.S.C. § 102(e) as being anticipated by Snyder et al. (U.S. Patent No.

5,363,489). Claim 111 was rejected under 35 U.S.C. § 102(b) as being

anticipated by Chernow et al. (U.S. Patent No. 4,999,806). Because pending

claims 1-15 in the present application are essentially the same as the rejected

claims previously submitted in application Serial No. 09/907,076, Applicant

submits the following remarks regarding the use of the Snyder and Chernow

references.

Claims 1 and 13

Examiner states that Snyder teaches a server that processes extended

open network statements. This statement is wrong for a number of reasons. For

one, Snyder does not state that the auxiliary device is a server anywhere in its

disclosure. A server is a computer coupled to a computer network for managing

certain communication and access tasks. Snyder simply does not identify its

auxiliary device as being capable of acting as a server. Therefore, Snyder does

not teach a server.

Snyder cannot teach a server that processes open network statements

because Snyder does not discuss open networks in its disclosure. Instead,

Snyder indicates the invention may be used in "a wide range of disparate

systems" (Col. 1, lines 63-65). Consequently, the invention of Snyder operates regardless of whether it is coupled to an open network. Applicant's invention, on the other hand, addresses the inability of a server to communicate with a non-standard I/O device *over an open network* that existed at the time of Applicant's invention. Thus, the communication connections shown in Snyder do not show an open network unless one assumes the connections are an open network for purposes of reading Applicant's disclosure in the Synder reference. Such hindsight reading is impermissible.

Furthermore, Synder cannot teach a server that processes extended open network statements. This deficiency arises because Synder does not address open network communication between servers and non-standard I/O devices and Snyder never refers to any type of open network statements. Exemplary statements that may be processed by a server according to Applicant's inventive principles are shown in Figs. 14-23. No such statement processing is performed by Snyder because Snyder supplements a bus signaling protocol, (Col. 1, lines 50-63) and does not process extended open network protocol statements. In fact, Snyder teaches away from its auxiliary device performing in this manner because it would then be limited to use in open networks and not in the "wide range of disparate systems" to which it claims to be applicable.

Snyder also does not teach that a non-standard I/O device is communicatively coupled to an open network because it does not discuss open networks. Without an explicit teaching that Snyder applies to open networks, one is assuming the communication topology shown in Snyder is an open network

based on a hindsight reading of Applicant's specification. Such a reading does not meet the requirements for *prima facie* evidence to anticipate a claim.

Synder also fails to teach a client program for processing extended open network statements. As noted above, Snyder does not process extended open network statements at any device disclosed therein because it is supplementing a signaling protocol instead of supporting communication between a non-standard I/O device and server *over an open network*. Exemplary processing of extended open network statements that may be performed by a client program in accordance with Applicant's inventive principles are shown in Figs. 4-11. No such processing is taught or even suggested in Snyder. Again, no such processing is expected because Snyder supplements the number of signals on a bus in "a wide range of disparate systems" rather than the extension of an open network protocol as taught by Applicant's specification. Applicant's specification, for example, at page 13, lines 18-20, page 30, lines 5-7, and page 31, lines 8-10, discloses that extended open network protocol statements are included in files for transmission to and from a client for processing. No inclusion of open network protocol statements in files or processing of files containing open network protocol statements is taught or suggested by Snyder.

For at least these reasons, Snyder fails to teach each and every limitation of claims 1 and 13. Furthermore, Snyder addresses such a different problem than Applicant's invention that it fails to render obvious Applicant's invention. Thus, claims 1 and 13 are patentable over Snyder and the other references made of record in the present case.

<u>Claim 2</u>

Claim 2 is directed to a client having means for processing open network protocol statements and means for processing extended open network protocol statements. Snyder does not teach any means for performing these functions because Snyder does not necessarily operate on an open network. Since Snyder is silent regarding open networks, it certainly fails to distinguish between open network protocol statements and extended open network protocol statements. The exemplary processing for extended open network protocols statements that may be performed by a client are shown in Figs. 4-11. Snyder discloses no analogous processing. Snyder does not process open network protocol statements but rather detects a device address on a bus that cannot provide a full set of bus signals so it can supplement those signals to reduce power dissipation. That is, it does not enable communication between two devices over an open network but instead improves the electrical performance characteristics of communication that may occur with or without the auxiliary device being present. Also, Snyder fails to disclose a client as that term in used in the context of client/server technology. Consequently, it cannot anticipate the claimed client of claim 2.

Because Snyder does not disclose a client, the means for processing open network protocol statements, or the means for processing extended open network protocol statements as set forth in Applicant's pending application, claim 2 should be allowed.

Claim 3

Claim 3 is directed to a server that processes open network statements and extended open network statements submitted in forms by a client communicatively coupled to an open network. Snyder fails to anticipate this claimed invention for a number of reasons. For one, Snyder does not expressly discuss or identify the communication topology between the devices discussed in the reference as being an open network. Correlation of the communication connections in Snyder with an open network is an impermissible use of Applicant's specification and claim. Another reason Snyder fails to disclose the invention of claim 3 is that Snyder fails to disclose any means for processing open network protocol statements or extended open network protocol statements. This is hardly surprising since Snyder addresses the lack of bus signals produced by a source device instead of providing the means for supporting communication between a client and a server over an open network that otherwise would not occur. Another reason that Snyder fails to anticipate claim 3 is that there is no discussion anywhere in the reference of open network protocol statements or extended open network protocol statements being submitted by a client in forms. Because the elements of claim 3 are not expressly set forth in Snyder, the reference cannot anticipate the claim. Furthermore, Snyder does not recognize the inability of servers and non-standard I/O devices to communicate over an open network so the reference, either alone or in combination with other references, does not render obvious the invention of claim 3. Consequently, claim 3 should be allowed.

<u>Claims 4 and 14</u>

Claims 4 and 14 require the receiving of extended open network protocol statements over an open network. Snyder cannot anticipate either of these claims because Snyder fails to teach extended open network protocol statements, use of an open network for communication, or the communication of extended open network protocol statements over an open network. Without these explicit elements of the claims, Snyder cannot anticipate the claims. Furthermore, Snyder does not render the claims obvious because Snyder does not recognize the inability of servers and non-standard I/O devices to communicate over an open network. Snyder addresses the transmission and receipt of bus signals but the data carried by those signals are immaterial to the effectiveness of the communication. In Applicant's claimed invention, the processing of data content described as being extended open network protocol statements enables communication between servers and non-standard I/O devices. Thus, Snyder addresses the problem of incompatible bus widths and not the problem of servers and non-standard I/O devices being unable to communicate over an open network because it was previously unsupported by known open network protocols. Furthermore, there is no discussion in Snyder of extended open network statements being processed to control operations associated with a non-standard I/O device. In fact, non-standard I/O device control operations are not discussed in Snyder.

For at least these reasons, claims 4 and 14 should be allowed over Snyder and the other references of record.

Claim 5

Claim 5 is a method claim that does not directly correspond to each and every element of the apparatus or system claims discussed above. Snyder does not anticipate the reference because it does not disclose the receipt of extended open network protocol statements. Communication of extended open network protocol statements is not important to Snyder because it does not necessarily operate on open networks and because it does not address the content of data being communicated between devices. Instead, its focus is on the number of signals comprising a data word without affecting the content of the transmitted data.

Snyder also does not disclose the processing of extended open network protocol statements because the auxiliary device of Snyder is programmed to recognize a device address and supply supplement bus signals that do not contribute to the data content of a transmission. Therefore, the auxiliary program of Snyder does not process the data content of signals transmitted between devices. For at least these reasons, claim 5 should be allowed over Snyder and the other references of record.

Claims 6 and 8

Claims 6 and 8 depend from claim 5 and are patentable for the reasons discussed with respect to that claim. Claim 6 also requires that the extended open network protocol statement processing be performed in a consumer's terminal. Snyder does not include any discussion of consumer terminals. Thus, Snyder cannot, as a matter of law, anticipate claim 6. Nor does Snyder render

claim 6 obvious because Snyder does not recognize the problem of a consumer terminal communicating with a server over an open network. For at least these reasons, claim 6 should be allowed.

Claim 8 depends from claim 6 and is patentable for reasons discussed with respect to claims 5 and 6. Claim 8 is also patentable because Snyder does not discuss the implementation of a consumer's terminal with a personal computer. Consequently, Snyder cannot anticipate claim 8. Snyder simply does not recognize the problem of a non-standard I/O device communicating through a personal computer with a server over an open network. Nor does Snyder contain any suggestions regarding the use of a PC for the communication of data from a non-standard I/O device to a server over an open network. For at least these reasons, claim 8 should be allowed.

Claims 7 and 9

Claim 7 depends from claim 5 and is patentable for the reasons discussed with respect to that claim. Claim 7 also requires that the extended open network protocol statement processing be performed in a merchant's terminal. Snyder does not include any discussion of merchant terminals. Thus, Snyder cannot, as a matter of law, anticipate claim 7. Nor does Snyder render claim 7 obvious because Snyder does not recognize the problem of a merchant terminal communicating with a server over an open network. For at least these reasons, claim 7 should be allowed.

Claim 9 depends from claim 7 and is patentable for reasons discussed with respect to claims 5 and 7. Claim 9 is also patentable because Snyder does

not discuss the implementation of a merchant's terminal with a credit card terminal. Consequently, Snyder cannot anticipate claim 9. Snyder simply does not recognize the problem of a non-standard I/O device communicating through a credit card terminal with a server over an open network. Nor does Snyder contain any suggestions regarding the use of a credit card terminal for the communication of data from a non-standard I/O device to a server over an open network. For at least these reasons, claim 9 should be allowed.

Claim 10

Claim 10 requires the receipt of extended open network protocol statements within forms submitted by a client. Snyder does not teach the submission of forms by a client nor does Snyder teach the inclusion of extended open network protocol statements in forms submitted by a client. Snyder also does not teach the processing of extended open network protocol statements within a form submitted by a client with a processing system that is communicatively coupled to an open network. Without the disclosure of these express elements, Snyder cannot anticipate claim 10. Furthermore, Snyder does not recognize the problem addressed by these method limitations, namely, the enabling of communication between a non-standard I/O device and a processing system. For at least these reasons, claim 10 should be allowed over Snyder and the other references of record.

Claim 11

Claim 11 depends from claim 10 and is patentable for the reasons discussed with respect to that claim. Claim 11 is also patentable over Snyder '

because Snyder does not disclose the provision of data from the processing of extended open network protocol statements to application programs communicatively coupled to the processing system. Snyder does not disclose a processing system or application programs communicatively coupled to the processing system so it likewise does not disclose the provision of data from the processing of extended open network protocol statements to such application programs. This absence in Snyder is fully expected since Snyder is not concerned with data content but rather the number of signals to be added to a data word. However, none of the signals added to the data word provide any substantive data content to the data word. For at least these reasons, claim 11 should be allowed over Snyder and the other references of record.

Claim 12

Claim 12 depends from claim 11 and is patentable for the reasons discussed with respect to claims 10 and 11. Claim 12 is also patentable because Snyder does not disclose the provision of data in extended open network protocol statements to a client from application programs that are communicatively coupled to a processing system. Snyder cannot disclose this limitation as it fails to discuss a processing system having application programs communicatively coupled to it and does not relate to open network communication between a processing system and a non-standard I/O device. Consequently, Snyder cannot anticipate claim 12. Snyder also fails to recognize the problem of communication between the application programs of a processing system and a non-standard I/O device over an open network. For at least these

11

reasons, claim 12 should be allowed over Snyder and the other references of record.

Claim 15

Claim 15 requires that the client program process extended open network protocol statements to support communication with the telephone of the claim. Neither Chernow nor Snyder discloses extended open network protocol statements because neither reference teaches the processing of statements that comply with an extended open network protocol. Extended open network protocol statements may be included in files for transmission to and from a client for processing as disclosed in Applicant's specification, for example, at page 13, lines 18-20, page 30, lines 5-7, and page 31, lines 8-10. No extended open network protocol statements or processing of extended open network protocol statements as set forth in claim 15 is taught or suggested by Snyder or Chernow. For at least these reasons, claim 15 should be allowed over Chernow, Snyder and the other references of record.

Conclusion

Applicant submits that each of the pending claims 1-15 should be allowed over Snyder, Chernow, and the other references of record. Examiner's response to Applicant's previously presented arguments that each and every limitation of the pending claims to the extent claimed is shown in Snyder (or Chernow, for claim 15) fails to appreciate the substantial difference between the deficient number of signals provided by a source device that is addressed by Snyder and the inability of a non-standard I/O device and a server or processing system to

communicate over an open network without the extended open network protocol statement processing provided by Applicant's invention. The auxiliary device of Snyder does not inherently process extended open network protocol statements. Instead, it recognizes a device address and supplements a signal bus with superfluous signals for the purpose of reducing electrical power dissipation. It processes no extended open network protocol statement in order to supplement bus signals. The only way that one can "see" the auxiliary device as processing extended open network protocol statements is to equate extended open network protocol statements with electrical address signals on a bus. That equivalence is not expressly taught or suggested by Snyder. It becomes "inherent" in Snyder only through the impermissible use of Applicant's specification in hindsight. Electrical signals may be used to transmit open network protocol statements but the addition of superfluous electrical signals does not extend an open network protocol. Nor is the detection of a device address on a bus segment the same as processing an extended open network protocol statement as set forth in the dependent claims. The citation of Snyder is insufficient to provide *prima facie* evidence of each and every limitation and, thus, fails to anticipate any pending claim.

For these and the other reasons set forth above, Applicant requests examination and prompt allowance of the pending claims 1-15.

Respectfully submitted,

MAGINOT, MOORE & BECK LLP

David M. Lockman
Attorney for Applicant
Registration No. 34,214

February 3, 2004
Maginot, Moore & Beck LLP
Bank One Center/Tower
111 Monument Circle, Suite 3000
Indianapolis, Indiana 46204-5115
Phone: (317) 638-2922
Fax: (317) 638-2139